

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FIESTA MART, LLC.

Plaintiff,

v.

**WILLIS OF ILLINOIS, INC. and
WILLIS TOWERS WATSON US, LLC**

Defendants.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

Defendants **WILLIS OF ILLINOIS, INC.**¹ and **WILLIS TOWERS WATSON US LLC** (collectively, “Willis”) file this Notice of Removal for the purpose of removing this cause to the United States District Court for the Southern District of Texas, Houston Division, and state as follows:

I. STATE COURT ACTION

This is an action filed on or about September 4, 2020 in the District Court of Harris County, Texas, Cause Number 202053693. Plaintiff Fiesta Mart, LLC asserts three causes of action (violation of Tex. Ins. Code. § §541.051 and 541.061; breach of contract; and negligence/negligent misrepresentation) related to the submission of certain proofs of loss and recovery of insurance proceeds for losses incurred as a result of Hurricane Harvey. Plaintiff alleges damages and seeks monetary relief, stating that Willis’ actions caused “millions of dollars in losses for Fiesta Mart.” The Complaint does not identify a specific dollar amount that Plaintiff is seeking to recover.

¹ Defendants note that the case caption incorrectly lists the Defendant as Willis of Illinois, LLC. In the Petition, Plaintiff correctly refers to Defendant as Willis of Illinois, Inc. See Complaint, at ¶ 8.

II. FEDERAL JURISDICTION

Defendant Willis Towers Watson US LLC is a limited liability company organized under the laws of Delaware and has its principal place of business at 800 N. Glebe Road, Arlington, Virginia 22203. The citizenship of a limited liability company is determined by the citizenship of each of its members.² Defendant Willis's sole shareholder is Towers Watson Delaware Holdings LLC, a Delaware limited liability company with its principal place of business in Virginia. Towers Watson Delaware Holdings LLC's sole shareholder is WTW Delaware Holdings LLC, a Delaware limited liability company with its principal place of business in Delaware. WTW Delaware Holdings LLC's sole shareholder is Willis US Holding Company, LLC, a Delaware limited liability company with its principal place of business in Delaware. Willis US Holding Company, LLC's sole shareholder is Willis North America Inc., a company incorporated under the laws of Delaware and with its principal place of business in New York. Willis is thus a citizen of Delaware, Virginia, and New York for diversity jurisdiction purposes.

Defendant Willis of Illinois, Inc., is a corporation organized under the laws of Illinois, and has a principal place of business at 233 S. Wacker Drive, Suite 2000, Chicago, IL 60606. It is thus a citizen of Illinois for diversity jurisdiction purposes.

Plaintiff is a limited liability company organized under the laws of Texas and has its principal place of business in Houston. Despite a reasonable search of public records and court filings, Willis is unable to conclusively determine the membership of Plaintiff Fiesta Mart, LLC. Based on information and belief, Willis believes that Plaintiff is citizen of Texas for diversity jurisdiction purposes.³

² *Harvey v. Great Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

³ Willis notes that in *Fiesta Mart, L.L.C. v. ACON Investments, LLC* (Case No. 4:18-cv-04704), which is referred to in Exhibit 3 to the Petition, Defendant ACON Investments, LLC removed from state court to the District Court for the

The amount in controversy is in excess of \$75,000, exclusive of interest and costs. Here, the Petition alleges that “Willis’ breach of contract has resulted in millions of dollars in losses for Fiesta Mart.” There is therefore complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this Court pursuant to 28 U.S.C. §1332. The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§1332, 1441, and 1146 and is hereby removed.

III. STATE COURT DOCUMENTS ATTACHED

This Notice of Removal has been filed within thirty (30) days after receipt, through service or otherwise, of Plaintiff’s Petition, filed in the District Court of Harris County, Texas. Plaintiff’s Petition was served on Defendants on September 14, 2020. Removal is therefore timely under 28 U.S.C. §1446(b). Pursuant to 28 U.S.C. § 1446(a), Defendants have filed as the Appendix to this Notice of Removal a complete copy of the State’s Court file, including copies of all process, pleadings, orders and the Docket Sheet in the State Court action.

Pursuant to 28 U.S.C. § 1446(d), Defendants will notify the Clerk of the Court in the State Court action of this removal and will give notice thereof to all adverse parties.

IV. RELIEF REQUESTED

Defendants Willis of Illinois, Inc. and Willis Towers Watson US LLC respectfully request that Cause No. 2020-53693 in the District Court of Harris County, Texas be removed to the United States District Court for the Southern District of Texas, Dallas Division, and that this Court accept this Notice of Removal and that it assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Southern District of Texas on the basis of diversity of citizenship, treating Fiesta Mart L.L.C. as a citizen of Texas [ECF 1]. Fiesta Mart L.L.C. did not challenge the removal or otherwise refute the allegation that it is a Texas citizen.

As required by Local Rule 81, a copy of each of the following is attached to (or filed with) this Notice:

1. All executed process in the case;
2. Pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings;
3. All orders signed by the state judge;
4. The docket sheet;
5. An index of matters being filed; and
6. A list of counsel of record, including addresses, telephone numbers and parties represented.

Respectfully submitted,

MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.

By: /s/ Christopher W. Martin

Christopher W. Martin

State Bar of Texas No. 13057620

Federal Bar No. 13515

martin@mdjwlaw.com

Niels Esperson Building

808 Travis, 20th Floor

Houston, TX 77002

Telephone: 713-632-1701

Facsimile: 713-222-0101

**ATTORNEYS FOR DEFENDANTS
WILLIS OF ILLINOIS, INC. and
WILLIS TOWERS WATSON US LLC**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been mailed, e-mailed, telecopied or hand delivered to all attorneys of record, in compliance with the FEDERAL RULES OF CIVIL PROCEDURE, on this the 9th day of October, 2020.

/s/ Christopher W. Martin

Christopher W. Martin